

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWIN CRUZ,	:	CIVIL ACTION
Plaintiff	:	
	:	
vs.	:	No. 05-5694
	:	
JO ANNE B. BARNHART,	:	
Commissioner of the	:	
Social Security Administration,	:	
Defendant	:	

ORDER

STENGEL, J.

AND NOW, this 19th day of December, 2006, upon consideration of the parties' cross-motions for summary judgment, and after careful and independent review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Plaintiff's motion for summary judgment is GRANTED to the extent the case is remanded.
3. Defendant's motion for summary judgment is DENIED.
4. This matter is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.